

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 17-141-JAK (KS) Date: November 8, 2017

Title *Sean Silverthorne v. City of Huntington Beach et al*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
N/A

Attorneys Present for Defendants:
N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On January 26, 2017, Plaintiff, a California resident proceeding *pro se*, filed a complaint alleging civil rights violations in connection with, *inter alia*, Defendants' entry into his home, use of force, and subsequent prosecution of him. (Dkt. No. 1.) On April 6, 2017, Plaintiff filed a First Amended Complaint, which is now the operative pleading. (Dkt. No. 7.) On May 12, 2017, Defendants filed an Answer. (Dkt. No. 16.)

On May 15, 2017, the Court issued a case management and scheduling order requiring the parties, *inter alia*, to file status reports no later than 120 days from the date of the order. (Dkt. No. 18.) Accordingly, Plaintiff's status report was due on or before September 12, 2017. Defendants filed their status report on October 24, 2017 (Dkt. No. 21), indicating that Plaintiff has both propounded written discovery and served responses (*id.* at 2), but the Court has received no status report or other communication from Plaintiff concerning this case since the case management order was filed. Nearly two months have now passed since Plaintiff's deadline for filing a status report.

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss a civil action if the plaintiff "fails to prosecute or to comply with these rules or a court order." However, in the interests of justice, the Court elects not to dismiss this case, at this time, and instead Plaintiff is **ORDERED TO SHOW CAUSE on or before November 22, 2017** why the Court should not recommend dismissal for failure to prosecute and comply with court orders.

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If Plaintiff wishes to proceed with this action, he may discharge this Order by filing a status report that complies with the Court’s case management order.¹ For Plaintiff’s convenience, the Clerk is directed to send Plaintiff copies of the Court’s May 15, 2017 case management and scheduling order and Defendant’s October 24, 2017 status report

Alternatively, if Plaintiff does not wish to pursue this action, he may file a document entitled “Notice Of Dismissal” pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Plaintiff is advised that his failure to timely comply with this order may result in the dismissal of his case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41-1.

Initials of Preparer

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¹ The case management order states that the status report must contain the following information:

- (a) a summary of the proceedings to date and a statement of the principal issues raised by the case;
- (b) a statement informing the Court whether all parties have been served and, if not, a proposed deadline by which service will be completed;
- (c) a statement informing the Court whether other parties will be added or amended pleadings will be filed and, if so, a proposed deadline by which those steps will be taken;
- (d) a description of any discovery completed and a schedule for any future discovery;
- (e) a list of contemplated motions, if any, along with proposed dates for the filing and hearing of such motions;
- (f) an estimate of the time likely to be required for trial, and a statement as to whether trial by jury is desired and has been properly requested;
- (g) a description of any settlement negotiations that have occurred, and a recommendation as to the form of settlement conference or other method of alternative dispute resolution that would be most appropriate given the nature of this case; and
- (h) any suggestions the parties may wish to make regarding the management of this action.